IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)

Description of case

Writ Petition No. 387 of 2004 (S/B)

Date of decision: 18th of December, 2004,

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Rajesh Tandon.

- Whether the order/judgment should be sent to the reporters for reporting? (-)

- Whether the reporters be allowed to see the judgment? (Yes)

A

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 387 of 2004 (S/B)

Dr. Rajini Sinha w/o Shri K.C.Sinha,
R/o House No. 110/4 , Survey Road,
Dehradun …… Petitioner

Vs.

1. State of Uttaranchal through
its Secretaryh Education, Dehradun
2. Director of Higher Education,
Uttaranchal
3. Director of Higher Education, U.P.
Allahabad
4. Committee of Management,
D.A.V. Post Graduate College,
Dehradun through its Secretary
5. Vice Chancellor, Hemvati Nandan Bahuguna
University, Srinagar,
District Garhwal ……. Respondents.

.....

Mr. K.C.Sinha, Advocate a/b Mr. Narain Datt, Advocate, learned counsel for the petitioner.
Mr. J.P.Joshi, Additional C.S.C. learned counsel for the State.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

Dated: 18.12.2004.

(Per Hon. the Chief Justice)

1. Heard learned counsel for the parties.

2. This is a petition, wherein the petitioner has complained that her earlier representations have not been considered. In those representations, particularly in the representation dated 22.04.2000, copy of which is annexed with this writ petition, she had sought the personal promotion in terms of the University statutes, more particularly Statute 11.12 B, which provided that a Lecturer, who was Ph.D. and had put in 13 years of full time continuous service, would be eligible for the personal promotion to the post of Readers. It seems that her representations have either not been decided upon and/or ignored. However, Mr. J.P.Joshi, learned counsel appearing on behalf of the respondents states that perhaps the representations were not decided because there was no request for

personal promotion. That appears to be the case because in representation dated 12.01.2004 as also in the representation dated 5.11.2004, the petitioner has not sought 'personal promotion'. She has only sought for 'promotion' (i.e. regular promotion to the post of Reader). Promotion is not a mater of right. Now, for personal promotion, the petitioner may have a case, if she is otherwise eligible under the Rules and Statutes of the University.

3. On the offer being made by the learned Government Pleader, the petitioner agrees to withdraw this writ petition with liberty to make fresh representation seeking personal promotion to the post of Reader. The said representation shall be made within 15 days. If the said representation is made, the authorities shall decide the same within two months from its receipt. With this, the petition is disposed of.

(V.S. Sirpurkar, C.J.)

(Rajesh Tandon, J.)

A